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## FACSIMILE TRANSMISSION

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**Total # of Pages 7 (including this page)**

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Examiner: Unsu Jung Art Unit: 1641		571-273-8300

**From :** Barry S. Wilson  
**Email Address :** [bwilson@foley.com](mailto:bwilson@foley.com)  
**Sender's Direct Dial :** 858.847.6722  
**Date :** October 5, 2006  
**Client/Matter No :** 071949-5604  
**User ID No :** 3067

U.S. Application No.: 10/728,067  
 Docket No.: 071949-5604

### MESSAGE:

Please find enclosed:

Transmittal (3 pages);  
 Response to Restriction Requirement and Interview Summary (3 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call 858-847-6700.

Operator:	Time Sent:	Return Original To:
		Vanessa E. Agha

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PAGE 1/7 \* RCVD AT 10/5/2006 7:09:16 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-3/19 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):02-10

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NO. 5954 P. 2

OCT 05 2006

Atty. Dkt. No. 071949-5604

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Buechler et al.

Title: USE OF THROMBUS  
PRECURSOR PROTEIN AND  
MONOCYTE  
CHEMOATTRACTANT  
PROTEIN AS DIAGNOSTIC AND  
PROGNOSTIC INDICATORS IN  
VASCULAR DISEASES

Appl. No.: 10/728,067

Filing Date: 12/03/2003

Examiner: Unsu Jung

Art Unit: 1641

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Vanessa E. Agha</i> (Printed Name)	
<i>Vanessa E. Agha</i> (Signature)	
October 5, 2006 (Date of Deposit)	

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ X ] Response to Restriction Requirement and Interview Summary (3 pages).

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	13	-	44	= 0	x \$50.00 = \$0.00
Independent Claims:	1	-	2	= 0	x \$200.00 = \$0.00

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Atty. Dkt. No. 071949-5604

First presentation of any Multiple Dependent Claims:	+	\$360.00	=	\$0.00
			<b>CLAIMS FEE TOTAL</b>	<b>\$0.00</b>

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[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
<b>EXTENSION FEE TOTAL:</b> \$0.00		
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
<b>CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:</b> \$0.00		
[ ] Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
<b>TOTAL FEE:</b> \$0.00		

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[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 071949-5604

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/05/2006

By Barry Wilson

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
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Richard Warburg, Reg. No. 32,327  
By Barry S. Wilson, Reg. No. 39,431  
Attorney for Applicant

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NO. 5954 P. 5

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OCT 05 2006 Atty. Dkt. No. 071949-5604

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Buechler et al.

Title: USE OF THROMBUS  
PRECURSOR PROTEIN AND  
MONOCYTE  
CHEMOATTRACTANT  
PROTEIN AS DIAGNOSTIC AND  
PROGNOSTIC INDICATORS IN  
VASCULAR DISEASES

Appl. No.: 10/728,067

Filing Date: 12/03/2003

Examiner: Jung, Unsu

Art Unit: 1641

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
_____ <b>Vanessa E. Agha</b> (Printed Name)	
<b>Vanessa E. Agha</b> (Signature)	
_____ <b>October 5 2006</b> (Date of Deposit)	

**RESPONSE TO A RESTRICTION REQUIREMENT**  
**AND INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to a Restriction Requirement mailed September 11, 2006.

The Examiner has divided claims 1-44 have into two groups:

Group I: Claims 1-31, drawn to method of predicting a risk of one or more future clinical outcomes for a subject suffering from a vascular disease, classified in class 435, subclass 7.1, for example; and

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Group II: Claims 32-44, drawn to a method of diagnosing atherosclerosis in a subject, classified in class 435, subclass 13, for example.

Applicants hereby elect Group II, claims 32-44 for examination.

Regarding the species election for Group II, Applicants hereby elect as follows:

List I (Risk Factors): elect "sex"

List II (Subject-Derived Markers) elect "markers related to myocardial injury markers."

The elected species read on claims 32-44.

The undersigned called the Examiner on October 5, 2006 to discuss the Group II species election on page 8 of the Restriction Requirement. It was agreed that item "a" (monocyte chemoattractant protein-1) was to be deleted from List II "Subject-Derived Markers" because this item is a requirement of all the Group II claims. Thus, the Examiner agreed that Applicants are required to choose a single species from items b to g under the List II "Subject-Derived Markers."

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

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If any extensions of time are needed for timely acceptance of papers submitted herewith,  
Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of  
any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 5, 2006

By Barry Wilson

FOLEY & LARDNER LLP  
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Richard Warburg, Reg. No. 32,327  
By Barry S. Wilson, Reg. No. 39,431  
Attorney for Applicant

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